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April 9, 2007

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**Via ECF Filing**

Hon. Joseph L. Tauro  
United States District Court Judge  
United States District Court  
District of Massachusetts  
John Joseph Moakley United States Courthouse  
1 Courthouse Way - Suite 2300  
Boston, Massachusetts 02210

Re: United States v. John Bruens, et al., No. 05-10102-JLT

Dear Judge Tauro:

We are writing on behalf of all defendants in the above-referenced case to bring to the Court's attention concerns we have about the content and length of the Government's case in the upcoming trial. These concerns came to light this past Friday evening at 6:11 p.m. when the Government delivered to defense counsel its list—still incomplete—of nearly four hundred exhibits (including subparts).<sup>1</sup>

Apart from the Government's tardiness and incomplete production, which will frustrate our ability to submit a joint exhibit list by the Court-ordered date of Tuesday, April 10, 2007, we are distressed at what appears to be the Government's intention of conducting an extensive and "kitchen-sink" presentation of evidence that will be far wider in scope and longer in duration than this Court or defense counsel contemplated.

At the status conference on January 16, 2007, the Court put the Government on notice of the limitations it envisioned: "But I alert the government to the likelihood that I am not going to be letting in a lot of evidence." Tr. at 39. The Court focused on the heart of the Government's allegations: "But the only thing that really counts is somebody goes in to see the doctors and says, hey, how would you like to go to France." *Id.* at 40. And Assistant United States Attorney Mary Elizabeth Carmody agreed, saying: "That's right, Your Honor."

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<sup>1</sup> Along with its exhibit list, the Government had promised to provide defense counsel with compact discs containing copies of the exhibits. As of 11:30 a.m. on Monday, April 9<sup>th</sup>, the Government still has not produced those discs.

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April 9, 2007  
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*Id.* The Court then put the Government on notice that it would limit the case accordingly: “And I am probably not going to be permitting testimony that doesn’t go right to the heart of that stuff.” *Id.*

The Government’s exhibit list reveals, however, that the Government in fact has no intention of limiting its case to the “heart” of the matters at issue. As just one indication, the Government’s exhibit list includes countless exhibits that are far removed in time and by subject matter from any alleged “offers” Serono made to doctors of an all expense-paid trip to one medical conference in Cannes, France in April 1999. For example, the Government plans to offer calendars and travel planners from 1997 and 1998; employment documents from 1997; email messages, letters, class agendas, and memoranda from 1998; credit card receipts and expense reports from 1998; as well as documents containing countless references to BIA machines (a matter that is not charged in this case and which this Court ruled at the January 16, 2007 status conference would not be permitted in the trial of this case).

Although the Government has not yet submitted its witness list, our best estimate, based on the breadth and length of the exhibit list, is that the Government would need to call at least twenty witnesses to cover the subject matters represented by the exhibits. If that even approximates the Government’s intentions, this trial will necessarily last far longer than the two to three weeks contemplated by the Court.

If our approximation is mistaken, and the Government is not planning a longer and broader case, then the exhibit list submitted to us this past Friday night cannot be the true list the Government intends to use at trial. In that event, we request that this Court order the Government to produce to us by the close of business on Tuesday, April 10, 2007, its actual, substantially shortened exhibit list. If, on the other hand, the Government represents to this Court that it truly intends to offer every document on the existing exhibit list it submitted to us, then we request that, at the very least, the Government be required to give a proffer to the Court and counsel as to the actual scope and length of its direct case.

We also will expect the Government to provide ample justification for the transformation, on the eve of trial, of what this Court indicated would be a focused two or three week trial. And we may be compelled to ask this Court for the opportunity to file additional motions to limit the Government’s case.<sup>2</sup>

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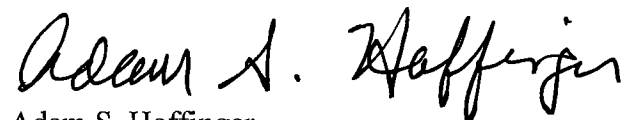
<sup>2</sup> Defense counsel raised this possibility at the January 16, 2007 status conference: “[W]e will be filing motion *in limine* after motion *in limine* because there’s nobody here that can imagine why, as Your Honor, said, one meeting with a couple of conversations with two or three doctors it’s going to take four to five weeks.” Tr. at 39.

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We very much appreciate the Court's consideration.

Very truly yours,

  
Adam S. Hoffinger

Enclosure

cc: Assistant United States Attorney Mary Elizabeth Carmody  
Thomas McC. Souther, Esquire  
Mark A. Berman, Esquire  
Tracy A. Miner, Esquire

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	Criminal No. 05-10102-JLT
	)	
	)	
JOHN BRUENS, MARY STEWART, MARC	)	
SIROCKMAN, MELISSA VAUGHN	)	
	)	
Defendants.	)	
_____	)	

**JOINT EXHIBIT LIST**

1. Serostim vial [physical exhibit]
2. Serostim starter kit [physical exhibit]
3. Serostim Product Monograph [No bates number]
4. M & IT Sales Org Chart dated 1/25/99 [CUR-02958]
5. Regional Director Position Description [S 0605461 - 0605462]
6. Serono "Spirit of M&IT" Video (9/23/98) [S Vid 05]
7. Mary Stewart E-mail 11/12/98: Important! Five Point Sales Plan for Q4 98 [No bates number]
  - a. Bad Dog Flyer called Bad to the Bone
  - b. Flyer: No Time to Waste; Big Dog Rewards
  - c. Mary Stewart E-mail 11/18/98: "\$10,000 Kicker
8. Franklin Planners (1997-1999) (Physical Exhibits)
9. November 24, 1998 Notes of Conference Call notes [No bates number]
10. November 30 & December Notes of Conference Calls [No bates number]

11. Jackson E-mail to Vaughn 1/12/99 re: South Business Plan [S Elec 0687756-0687757]
12. January 15, 1999: Midatlantic Region Biweekly Update [S 0785790 - 0785792]
13. January 22, 1999 RD Conference Call notes (\$500k short of ex-factory) [No bates number]
14. Abel E-mail to Jackson & RDs 1/27/99 re: Versatile Training - March [S Elec 0574347 - 0574351]
15. January 29, 1999 RD Conference Call (Sales goal \$9.6m/actual \$10.8 mil) notes [No bates number]
16. February 5, 1999 RD Conference Call notes [No bates number]
17. Jackson Memo to Stewart re: Midatlantic Region Bi-Weekly Update - Week Ending 2/10/99 [S Elec 0667196-0667200]
18. February 11, 1999 RD Conference Call notes (sales goal)[No bates number]
19. February 19, 1999 RD Conference Call notes (Ernesto & transition) [No bates number]
20. March 1, 1999-- notes of Boston Harbor Hotel Meeting [No bates number]
21. Vaughn E-mail to Jackson 3/01/99 re: Q 1 Update [S Elec 0657810 - 0657811]
22. Stewart E-mail to Regional Directors, Bruens, Azulay, Hart, Parra, Frank & Bell 3/02/99 re: "We need to generate \$6 M+ in the next 6 Days!!" [S Elec 0694791.001-0694793.001]
23. Jeff Hart E-mail to RD's w/ Top 50 Prescribers with Tracking Mechanism [S Elec 0521288 - 0521294]
24. Jackson Toll Records (Statement Date: March 10, 1999) [S ER JACKS 00050 - 00059]
25. Jackson Toll Records Bell Atlantic 3/09/99 [S 0714871-714879][9 pages]
26. Jackson Travel Expense Report: dated March 6, 1999 [S ER JACKS 00304 - 00323]

27. Transcription of Melissa Vaughn Voice Mail [No bates number]
28. E-mail from Jackson to Stewart 3/03/99 re: Q1 Project [S Elec 0521309]
29. Jackson E-mail 3/03/99 to Stewart, Frank, Azulay, Bruens, Parra & Hart Re: “blitz sheet - Midatlantic region” [S Elec 0679497 - 0679498]
30. Jackson E-mail to Stewart 3/04/99 “Today’s Conference Call” [S Elec 0694811-0694812]
31. Jackson E-mail to Stewart, Hart, Frank, Azulay, Bruens & Parra: Mar 4 Daily Report [S Elec 0212498 - 0212499]
32. Jackson E-mail to Stewart, Hart, Frank, Azulay, Bruens & Parra: Mar 5 Update [S Elec 0212544]
33. March 5, 1999– RD Conference Call [No bates number]
34. Jackson E-mail to Stewart, Hart, Frank, Azulay, Bruens & Parra: Mar 8 Daily Report [S Elec 0212595 - 0212596]
35. Jackson E-mail to Regional Directors 3/09/99 Re: Chart Examples [S Elec 0521420-0521424]
36. Jackson E-mail to Stewart, Hart, Frank, Azulay, Bruens & Parra: Tues Mar 9 Rpt [S Elec 0212619 - 0212620]
37. Jackson E-mail to Sawin 3/09/99 Re: Business Plan [S Elec 0648717]
38. Jackson E-mail to Stewart, Hart, Frank, Azulay, Bruens & Parra: Mar 10th Daily Report [S Elec 0212805 - 0212806]
39. Jackson Memo 3/12/99 Re: Midatlantic Region Bi-Weekly Update Week Ending 3/12/99 [S Elec 0648968-0648969]

40. March 12, 1999: RD Conference Call notes [No bates number]
41. Note to Kim from Ellen Frank re: "Strategic Intent for M&IT in 1999 and beyond!" [No bates number]
42. March 26, 1999 – RD Conference Call notes [No bates number]
43. Jackson E-mail to Abel, RDs and Stewart 4/04/99 re: "Q3 business plan format" [S Elec 0521947 - 0521948]
44. Jackson E-mail to Stewart & Abel: Business Plans [S Elec 0521874 - 0521904] [S 0237495 - 0237524]
45. Jackson Employment Offer dated August 17, 1997 [S 0605459 - 0605460]
46. Promissory Note dated September 26, 1999 [S 0605383 - 0605384]
47. Resignation letter effective September 24, 1999 [S 0605431]
48. Boston Harbor Hotel Records re: March 1 Meeting receipts [No bates number]
49. September 3, 1998 Memo: Wholesaler Plan of Action, Sept-Dec. 1998 [S 0177186-177189]
50. Metabolism Market Demand: February Powerpoint S Elec 0213130 - 0213142]
51. Serostim Demand Data: February 1999 [S Elec 0525273 - 0525322]
52. IMS Market Analysis: February 1999 [S Elec 0521484-0521489]
53. IMS Market Analysis: March 1999 [S Elec 05215155-05215160]
54. Hart E-mail to Sawin, Jackson, Vaughn & Sirockman: March 1, 1999 at 8:22 p.m. at Tracking Sheet [S Elec 0648269 - 0648270]
55. Hart E-mail to RD's and Management dated 03/02/99 (2:57 p.m.) Re: "Top 50 Serostim Retail Prescribers with Tracking Mechanism" [S Elec 0679460 - 0679466]

56. Ogar E-mail to Hart & others dated 03/02/99 (2:57 p.m.) Re: January Retail Data [S Elec 0648281 - 0648311]
57. Hart E-mail to Ogar dated 03/02/99 Re: Q1 Goals [S Elec 0212429-0212436]
58. Vaughn E-mail to Hart dated 03/03/99 Re: "1998/1999 alignment changes [S Elec 0657968-0657988]
59. SIROCKMAN "\$6M-6Day Tracking":
  - a. E-Mail 03/03/99 (10:04 p.m.) "\$6M-6 Day Tracking" with attachment [S Elec 0212464 - 0212465]
  - b. E-Mail 03/04/99 (9:47 p.m.) "Tracking 6M" with attachment [S Elec 0212496 - 02121497]
  - c. E-Mail 03/05/99 (6:36 p.m.) "\$6 Million Tracking" with attachment [S Elec 0212545 - 0212546]
  - d. E-Mail 03/08/99 (11:54 p.m.) "\$6M Tracking" with attachment [S Elec 0212588 - 0212589]
  - e. E-Mail 03/09/99 (8:02 p.m.) "6M Tracking" with attachment [S Elec 0212617 - 0212618]
  - f. E-Mail 03/10/99 (7:13 p.m.) "Tracking 6M" with attachment [S Elec 0212803 - 0212804]
  - g. E-Mail 03/11/99 (8:29 p.m.) "\$6M Tracking" with attachment [S Elec 0679996 - 0679997]
60. VAUGHN: "South Report":
  - a. E-mail 03/04/99 (9:07 a.m.): "South Script Report" with attachment [S Elec



0658022 - 0658023]

- b. E-mail 03/05/99 (8:37 a.m.): South Report - Mar 4" with attachment [S Elec

0658028 - 0658029]

- c. E-mail 03/06/99 (9:22 a.m.): "Friday, 3/5 Scripts - South Region" with attachment [S Elec 0658037 - 0658038]

61. STUPAK: "RX's FOR THE DAY":

- a. E-mail 03/03/99 (10:04 p.m.): "RX's FOR THE DAY" with attachment [S Elec 0679501 - 0679502]

- b. E-mail 03/05/99 (1:02 a.m.): "RX's for the Day" with attachment [S Elec 0212504 - 0212505]

- c. E-mail 03/08/99 (12:17 a.m.): "rx's for Friday"with attachment [S Elec 0212552 - 0212553]

- d. E-mail 03/09/99 (7:09 p.m.): "Rx's for day" with attachment [S Elec 0212615 - 0212616]

62. MUNSON:

- a. E-mail 03/03/99 (11:23 p.m.): "6600 3, 1/3 Scripts" [S Elec 0212466 - 0212467]

- b. E-mail 03/04/99 (10:56 p.m.): "6600 scripts total for 3/4" [S Elec 0212502 - 0212503]

- c. E-mail 03/08/99 (2:01 a.m.): "6600 total 3/5" [S Elec 0212559 - 0212560]

- d. E-mail 03/08/99 (10:59 p.m.): "6600 3/8 totals" [S Elec 0212586 - 0212587]

- e. E-mail 3/09/99 (10:17 p.m. ): "6600 totals for 3/9" [S Elec 0212621 - 0212622]

- f. E-mail 03/11/99 (12:31 a.m.): "6600 total for 3/10" [S Elec 0212809 - 0212810]

- g. E-mail 03/11/99 (10:53 p.m.): "6600 totals for 3/11" [S Elec 0212823 - 0212824]
- 63. SAWIN: "West Numbers"
  - a. E-mail 03/04/99 (1:37 a.m.): "West Numbers for 3/3" with attachment [S Elec 0212470 - 0212471]
  - b. E-mail 03/06/99 (12:16 a.m.): "West Numbers 3/5" with attachment [S Elec 0606637 - 0606638]
  - c. E-mail 03/09/99 (1:20 a.m.): "West Numbers 3/8" with attachment [S Elec 0606663 - 606664]
  - d. E-mail 03/11/99 (12:31 a.m.): "West numbers 3/10/99" [S Elec 0606717 - 0606718]
  - e. E-mail 03/13/99 (1:04 a.m.): "Bi weekly from West 3/12/99" [S Elec 0606729 - 0606730]
- 64. March 4, 1999 (8:39 a.m.) E-mail from Hart to Vaughn re: "Final Q1 Goals" [S Elec 0212474]
- 65. March 4, 1999 (4:14 p.m.) E-mail from Vaughn to Hart re: "Quotas et al." [S Elec 0658027]
- 66. March 5, 1999 E-mail from Vaughn to Hart re: "Confusion!" [S Elec 0658035]
- 67. March 5, 1999 E-mail from Vaughn to Hart re: "MORE xfer of Docs [S Elec 0658036]
- 68. March 5, 1999 E-mail from Abel to Hart re: NSM Presentation [S Elec 0212511 - 0212545]
- 69. March 8, 1999 E-mail from Ogar to RD's and management re: "Specialty Provider - Dec vs Jan" [S Elec 0658040-0658043]

70. March 9, 1999 E-mail from Ogar to RD's and management re: "January Non-Retail Data" [S Elec 0658044]
71. March 11, 1999 E-mail from Parra to Hart Re: "Inventory Sheet" [S Elec 0212825-0212827]
72. Vaughn E-mail to Hart 3/15/99 re: COE Bulletin [S Elec 0658074-0658075]
73. Agenda for National Sales Meeting: March 15-19, 1999 [S 0128259-0128273]
74. March 18, 1999 E-mail from Hart to Vaughn re: "Q1 Goals" [S Elec 0213063]
75. March 23, 1999 E-mail from Parra to Hart re: March Wholesale Forecast [S Elec 0213187-0213188]
76. March 30, 1999 E-mail from Green to RD's and management re: "Top 50 Prescribers in the Nation [S Elec 0521666 - 0521676]
77. March 31, 1999 E-mail from Hart to Frank, Stewart, Bruens & Parra re: Ex-Factory Summary for Q1 [S Elec 0521707 - 0521708]
78. March 31, 1999 E-mail from Hart to RD's and management re: "CDC Data by Region" [S Elec 0521811]
79. April 7, 1999 E-mail from Hart to Management and RD's re: "Serostim Trends through 2/99" [S Elec 0522064-522065]
80. April 7, 1999 E-mail from Hart to Management and RD's re: "Q1 1999 Ex-Factory Data" [S Elec 0522066-052074]
81. April 8, 1999 E-mail from Kathleen Ogar to Management including Bruens, Stewart & Hart re: "Serostim February Demand Data [S Elec 0522503-0522505]
82. April 10, 1999 E-mail from Hart to Frank, Stewart, Bruens, Jordan & Parra re: "Non-

- Track Data Analysis (DRAFT)” [S Elec 0213526-0213527]
83. April 14, 1999 E-mail from Hart to RD’s and Management re: “March Retail Topline” [S Elec 0681392]
  84. April 23, 1999 E-mail from Valle to Frank, Stewart, Bruens, Hart, Muurahainen re: “MIT SBU Financial Review Meeting” [S Elec 0525254-0525266]
  85. May 6, 1999 E-mail from Ogar to Bruens, et al & Hart re: “March Serostim Demand” [S Elec 0218447 - 0218455]
  86. May 24, 1999 E-mail from Ogar to Stewart, RD’s & Hart re: “April Retail Data [S 0237568 - 0237571]
  87. June 3, 1999 E-mail from Ogar to Stewart, RD’s & Hart re: “April Non-Retail Data” [S 0237567]
  88. Saul Malozowski, M.D. Curriculum Vitae [No bates number]
  89. Serostim Final Product label [No bates number]
  90. Check Request Form, 3/22/99, with attachments [S ER WOMBL 00027-S ER WOMBL 00034]
  91. March 31, 199[9] letter to Dr. Corazon [S 0141397 - 0141399]
  92. Check request dated 4/12/99 for Dr. Corazon \$4,000 with copy of check [No bates number]
  93. March 31, 199[9] letter to Dr. Liskey [S 0141411 - 0141413]
  94. Check request dated 4/15/99 for Dr. Liskey with copy of check [No bates number]
  95. March 31, 199[9] letter Dr. Bellos [No bates number]
  96. Check request form dated 4/6/99 [S 0141347 - 0141348] and copy of check [No bates

- number]
97. Fax cover sheet and April 9, 1999 letter to Dr. Wallach [S 0141342, 0141344 - 0141346]
  98. Check request form dated 4/7/99 and copy of check to Dr. Wallach with “VOID” Check request form dated 4/16/99 [S0141426-S014127] and copy of check [S 0141404]
  99. Letter from Dr. Cazen to Michael Moynihan of February 5, 1999 [S 0140679]
  100. Copy of check and check stub [S 0141341]
  101. Check request form, invoice [S 0141401 - 0141403]
  102. Check to Dr. Cazen \$338.90 (Cannes Registration Fee)[S 0141401]
  103. Letter marked as “draft” from John Bruens and Norma Muurahainen, M.D. [S Elec 0156532-0156534]
  104. March 30, 1999 Fax to Gerri Carson with attachment [No bates number]
  105. March 31, 199[9] letter to Dr. Cantey [No bates number]
  106. April 13, 1999 letter to Dr. Cantey, with filled out fax from Dr. Cantey [No bates number]
  107. On the Go Travel Itinerary re: Dr. Cantey [No bates number]
  108. Account Profile Dr. Howard Grossman, with handwritten notes [S 0042850]
  109. April 5, 1999 Fax to Dr. Howard Grossman [S 00425851-S 0042865]
  110. Check to Dr. Wanke, \$4000 [No bates number]
  111. Invoice [S 0141334] and Cancelled check [No bates number] to Lawrence Higgins, D.O, M.P.H.
  112. Check (cancelled) to Dr. Scolaro, \$4,000 [No bates number]
  113. Check (cancelled) to Wilbert Jordan, M.D. [No bates number]

- 114. Check (cancelled) to Guillermo Santos, M.D.[S 0141333 & No bates number]
- 115. E-mail April 4 1999 from Bruens via Womble re: “Cannes Physicians” [S 0111376]
- 116. E-Mails April 5, 1999 to and from Ross Petit to Norma Muurahainen and others [S Elec 304628-304631]
- 117. E-Mail from Susan Womble to Mark Krueger [S Elec 0680705]
- 118. E-Mail April 11, 1999 from Mark Krueger to Susan Womble [FB044-0520]
- 119. E-mail April 12, 1999 from Womble to Bruens re: Marketing invitees to Cannes [S Elec 0681345]
- 120. E-mail April 14, 1999 from Womble to Bruens re: Marketing Invitees To Cannes [S 0933251]
- 121. E-mail April 12, 1999 from Womble to Husick re: Delegates to Cannes, France [S 0933246-0933249]
- 122. E-mail April 12, 1999 from Womble re: Gifts [S Elec 0681346]
- 123. Womble email dated 4/12/99, 5:50 p.m. to Johanna Hosick re: Delegates to Cannes, France with attachment of draft letter [S Elec 0608437-0608441]
- 124. E-mails, April 12 and 13, 1999, to and from Bruens and Norma Muurahanien, cc: Womble, re: Gifts and dinners in Cannes [S Elec 0681349-0681351]
- 125. E-mails re: Entertainment Schedule for Cannes, April 7-8, 1999 [S Elec 0681174-1175]
- 126. E-mail from Krueger to Bruens, 4/14/99, re: Update on Cannes Arrangements [S Elec 0782631]
- 127. E-Mail from Bruens, 4/15/99, re: gifts [S Elec 0681398]
- 128. Womble e-mail to M. Krueger, 4/15/99 re: List of Invitees with attachment [S Elec

0681393-0681397]

129. Chart of "Dinner Invitees and Responses," as of 4/16/99 3:00 p.m. [S 0044878-0044879]
130. Check request form [S 0011067]
131. American Express Account, closing date: 4/13/99, No. 3783-100384-12000 [S ER Womble 00057-00068]
132. Statement of Account, No. 3783-100384-12000, 5-14-99 [S ER Womble 00046-52]
133. Expense Report for John Bruens, period ending 3/20/99 [S Er Bruen 00066-00069]
134. Expense Report for John Bruens, period ending 4/24/99 [S Er Bruen 00095-00118]
135. Expense Report for John Bruens, period ending 5/1/99 [S Er Bruen 00119-00122]
136. Expense Report, John Bruens, week ending 5/18/99 [S ER Bruen 00124-127]
137. Statement of Account, Acct. No. 3787-291634-91002, closing date 5-14-99 [S ER Bruen 00140-00148]
138. Check request form dated 4/27/99 [S 0141405-0141410]
139. Check request form dated 6/8/99 [S Er Womble 0069-0071; 0073; 0074.1; 0074.4]
140. Jill Cadman fax (5/14/99) and letter (5/4/99) to Sue Womble re: getting reimbursed for Cannes [S 0141337-0141340]
141. Check request form and check/invoice [S 0141335-0141336]
142. Womble email dated April 30, 1999 to Bruens re Cannes update letter to RD, with attachment [S Elec0681662-0681663]
143. Womble e-mail to Scott Lundie, 06/03/99 re: Attendees at Cannes [S Elec 0699533]
144. Invoice No 2880, Mark Krueger & Associates, 5/17/99 [354292-354296]
145. Handwritten notes of John Bruens – Handwritten Notes -(3/13/99) [S 0047421- 0047453]

- 146. E-mail from John Abel, 1/27/99, re: Versatile Training - March [S Elec 0574347]
- 147. E-mail from John Abel, 2/2/99, re: March Social Styles Class [S Elec 0574348-0574350]
- 148. E-mail from Dawne Green, 2/17/99, re: Million Dollar Club/Leaders of the Pack [S Elec 0694055]
- 149. E-mail from Mary Stewart, 2/19/99, re: PRIORITY: January 1998 Business Review S Elec 0694514-0694518]
- 150. E-mail from Mary Stewart, 3/9/99, January Serostim Demand Data [S Elec 0694888]
- 151. E-mail from Joyce Aubut, 4/2/99, with reply from Norma Muurahainen, 4/3/99, re: Cannes Physicians [S 0933245]
- 152. E-Mail from Melissa Vaughn, 3/2/99, re: South Feb Monthly [S Elec 0657813-0657820]
- 153. E-Mail from Mary Stewart, 5/4/99, re: April Monthly [S Elec 0695956]
- 154. Bi-weekly report ending 2/10/99 from Melissa Vaughn [S Elec 0679184-0679188]
- 155. Bi-Weekly report ending 3/24/99 from Melissa Vaughn [S Elec 0658557-0658561]
- 156. Bi-Weekly report ending March 26, 1999 from Marc Sirockman [S Elec 0649059-0649060]
- 157. Expense Report from February 13,1999 Joyce Aubut [S Er Aubut 00015-00025]
- 158. Summary of Corporate Card Account, for period ending 3/15/99, Acct No. 3787-640894-71002 [S Er Aubut 00026-00038]
- 159. Check dated 4/15/99 to Mary Stewart, with check request form and supporting documents [S Er Stewa 00098-00125]
- 160. Expense Report for Mary Stewart, 02/28/99 [S Er Stewa 00393- 00412]
- 161. E-mail from Stewart, 4/26/99 re: March Retail Data [S Elec 0695749-0695750]



162. Frye e-mail to Vaughn dated 2/18/98 re: Performance Review 1997 [S Elec 0631335-0631338]
163. Vaughn email of 2/20/98 to Frye in response to Frye e-mail dated 2/18/98 re: Charleston [S Elec 0631422 - 0631423]
164. Vaughn e-mail dated 2/20/98 to Frye re: Dinner 2/26/98 [S Elec 0631419)]
165. Expense Report: 3/14/99 to 3/20/99 [S ER FRYE 00137 - 00146]
166. E-Mails dated 5/05/99 and 5/8/99 from William Frye to John Bruens re: Dr. Cantey, includes reply by John Bruen to William Billy dated 5/6/99. [S Elec 0681787 - 0681788]
167. E-mail dated 6/2/99 from Frye to John Abel re: Charleston program 6/24/99 [S 0140988]
168. Serono Professional Education Program and Check Request (June 1999) [S 0140987]
169. Department of Veterans Affairs: Acceptance of Gifts . . . signed by Dr. Cantey [no bates number]
170. Original Cannes Brochure (S 0933055-093319)
171. Photographs of Carlton Intercontinental Hotel [No bates number]
172. Photograph of Esplanade President Georges Pompidou [No bates number]
173. Book: "The French Riviera" [No bates number]
174. Check to MUSC \$1,600 6/14/99 [S 0140986]
175. Letter dated 11/24/99 from Poretta & Orr enclosing check re: speaking in Augusta, GA in August 1999 [P&O 000470]
176. Katherine Canavan Daily planners [No bates numbers]
177. Information charging Adam Stupak [No bates number]
178. Adam Stupak Plea Agreement [No bates number]

179. 1996 "Rookie of the Year" Plaque [Physical exhibit]
180. 1997 "Council of Excellence" Plaque [Physical exhibit]
181. January 1999 "Thunderbolts Weekly Update" [S Elec 0678559 - 0678560]
182. Stupak E-mail to Stewart 2/24/99 re: "Strategies for Q1" [S Elec 0694701 - 0694702]
183. Stupak E-mail to Bruens & Stewart 2/26/99 re: "Competitive Update---" [S Elec 0694730]
184. Stupak E-mail to Stewart & Aubut 2/26/99 re: "Monthly" with attachment [S Elec 0694731 - 0694741]
185. Stupak E-mail 3/1/99 re: Q1 [S Elec 0521280-0521281]
186. Stupak E-mail to NY CC's 3/01/99 at 9:51 p.m. Stupak re: Very Important [No bates number]
187. Expense Report 03/01 to 03/06/99: Boston Harbor Hotel receipt [S 0752123-0752126]
188. Stewart E-mail to Stupak 3/02/99 at 12:14 p.m. re: Re: Very Important [S Elec 0694783]
189. Stewart E-mail to Stupak & RD's 3/02/99 at 1:21 p.m. re: \$6M- 6 Day Plan" [S Elec 0212395 - 0212397]
190. Expense Report: 3/21-3/27/1999 w/ attachments [S ER STUPA 00384 - 00404]
191. National Sales meeting Agenda [S Elec 0581556 - 0581660]
192. Bruens Powerpoint at the National Sales Meeting [S 0128135 - 0128177]
193. Jeffrey Lynch Expense Report for week ending 03/06/99 [S ER Lynch 00442-00454]
194. Jeffrey Lynch Expense Report for week ending 04/10/99 [S ER Lynch 00498-00523]
195. Check and stub to Jeffrey Wallach, M.D. dated 4/15/99 (S 014342)
196. Stewart E-mail to RD's 3/22/99 re: Deadlines/Evaluation Schedule [S Elec 0694945]

197. Stewart E-mail to RD's 3/22/99 re: March NSM Follow-up" [S Elec 0694945 - 0694946]
198. Stewart E-mail to Stupak & RD's 3/26/99 re: January Data [S Elec 0695001 - 0695003]
199. Stewart E-mail to Stupak Re 3/26/99 re: no subject ("Go Empire Thunderbolts") [S Elec 0581797 - 0581798]
200. Stupak E-mail to Stewart 3/29/99 re: Key Accounts with attachment [S Elec 0581799 - 0581803]
201. Stupak E-mail to Stewart 3/31/99 Re: April MT RESEND w/ attachment [S Elec 0581824 - 0581835]
202. Stupak E-mail to Stewart 3/31/99 re: Coming in Q1 [S Elec 0581836]
203. Stupak E-mail to Stewart 4/04/99 re: Action Plan Q2 [S Elec 0581837 - 0581845]
204. Stupak E-mail to Stewart 4/10/99 re: 1999 Action Plan [S Elec 0582007 - 0582013] [S Elec 0581989 - 0581993]
205. May 1, 1999: Memorandum from Stupak to Stewart re: April Monthly Report [S Elec 0582077 - 0582087]
206. Marc Sirockman Performance Appraisal (12/97 to 12/98) [unsigned] [S Elec 0694371 - 0694379]
207. Bruce Olmscheid, M.D. Curriculum Vitae [No bates number]
208. Letter of Immunity for Konstantine Pinteris [No bates number]
209. Pinteris Expense Report: February 4, 1999 - March 6, 1999 [S ER PINTE 00054 - 00073]
210. Pinteris Expense Report: February 11, 1999 - March 13, 1999 [S ER PINTE 00074 - 00104]
211. Pinteris Expense Report: February 18, 1999 - March 20, 1999 [S ER PINTE 00105 -

- 00117]
- 212. Copy of check stub [S 0141334] and check to Lawrence Higgins, M.D. [No bates number]
  - 213. Immunity Order for Jeffrey Lynch
  - 214. Check to Guillermo Santos, M.D. [\$4,000] [No bates number]
  - 215. Howard Grossman, M.D., 1999 Appointment Book (w/ blow-ups) [physical exhibit]
  - 216. Christine Wanke, M.D. Curriculum Vitae [No bates number]
  - 217. Letter of Immunity for Dr. Wanke [No bates number]
  - 218. Wanke check and check stub for \$4,000 [No bates number]
  - 219. Joseph Gertner, M.D., Curriculum Vitae [No bates number]
  - 220. Letter of Immunity for Dr. Gertner [No bates number]
  - 221. Chart of CMS data [Not yet available]
  - 222. Charts of Cannes Expenses [Not yet available]
  - 223. Immunity Order for Adam Whitehurst [no bates]
  - 224. E-mail from Vaughn to Whitehurst, Hudgens, South team & Stewart 02/21/99 re: Summits 1998 Year in Review [S Elec 0694627-069428]
  - 225. E-mail from Vaughn to Whitehurst, Hudgens, South team & Stewart 03/01/99 at 10:06 p.m. re: READ THIS BEFORE YOU GO TO WORK!!!! [S Elec 0694785.001-0694787.001]
  - 226. E-mail from Vaughn to Whitehurst, Hudgens, South team & Stewart 03/02/99 at 12:18 a.m. re: READ THIS BEFORE YOU GO TO WORK!!!! [S Elec 0658001.001-0658003.001]

- 227. E-mail from Whitehurst to Vaughn 3/02/99 at 3:22 p.m. re: Key West [S Elec 0657967]
- 228. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/02/99 at 7:44 p.m. re: Jan Retail Data [S Elec 0657962-0657963]
- 229. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/02/99 at 8:06 p.m. re: URGENT: \$6M- 6 Day Plan [S Elec 0657826.001-0657829]
- 230. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/02/99 at 8:13 p.m. re: Top 50 Docs [S Elec 0657959-0657960]
- 231. E-mail from Vaughn to Whitehurst, Hudgens, South team & Stewart 03/02/99 at 11:02 p.m. re: Serostim FIRST LINE! [S Elec 0657957-0657958]
- 232. E-mail from Vaughn to Whitehurst, Hudgens, South team & Stewart 03/02/99 at 11:25 p.m. re: Oxandrin Targets [S Elec 0657955-0657956]
- 233. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/03/99 at 12:24 a.m. re: A better understanding... [S Elec 0657989.001-0657991.001]
- 234. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/03/99 at 12:34 a.m. re: Top 50 files [S Elec 0657831-0657841}
- 235. E-mail from Vaughn to Whitehurst, Hudgens, South team & Stewart 03/03/99 at 10:28 a.m. re: Key West [S Elec 0658007-0658008]
- 236. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/03/99 at 1:38 p.m. re: PLEASE READ IMMEDIATELY - SECOND TAKE: Please disregard the first one [S Elec 0658011-0658012]
- 237. E-mail from Vaughn to Whitehurst & Stewart 3/3/99 at 1:41 p.m. re: March POA [S Elec 0658014.0001]

- 238. E-mail from Vaughn to Whitehurst, Hudgens, South team, Stewart & Galinsky 03/03/99 at 02:21 p.m. re: MRS Pending File [S Elec 0521298]
- 239. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/09/99 at 9:34 a.m. re: Specialty Provider - Dec vs Jan [S Elec 0658050-0658053]
- 240. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/09/99 at 9:43 a.m. re: January Non-Retail Data [S Elec 0658054-0658057]
- 241. Vaughn to Stewart South Region Bi-Weekly Update, Week Ending 3/24/99 [S Elec 0658557-0658561]
- 242. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/29/99 at 11:56 a.m. re: Q 1 Goals/Sales [S Elec 0658665.001-0658666.001]
- 243. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/31/99 at 1:15 p.m. re: Q 2 Value Propositions [S Elec 0521747- 0521754; 0521780-0521781]
- 244. E-mail from Vaughn to Whitehurst 4/30/99 re: Dr. Piperato Meeting w/ attachment [S Elec 0662588-0662589]
- 245. E-mail from Vaughn to Whitehurst 5/3/99 re: "Pip's talk" [S Elec 0677774-067779]
- 246. E-mail from Vaughn to Whitehurst 5/31/99 re: Dr. Piperato G&S [S 0141113-0141115]
- 247. E-mail from Vaughn to Stewart, Frank, Whitehurst, Hudgens & South team and others 05/17/99 re: South Bi-monthly ending 5/12/99 [S Elec 0697487.001-0697491.001]
- 248. Whitehurst Expense Report week ending: 3/06/99 [S ER Whit 00029]
- 249. Whitehurst Expense Report dated 4/18/99 (3 reports) [S ER AWhit 000071-00090]
- 250. Whitehurst Expense Report week ending: 5/13/99 [S ER AWhit 000138-000145]
- 251. E-mail, \$500 check & stub, Check Request for Piperato talk in May, 1999 [S 014113-

014115]

- 252. Letter of Immunity for Miguel Catala [No bates number]
- 253. E-mail from Vaughn to Catala 3/3/99 at 1:44 p.m. re: March POA [S Elec 0658015]
- 254. Check to Ralph Liporace, M.D., \$2,161.79, dated 2/18/99 [no bates]
- 255. April 2, 1999 Letter from Bruens to Liporace [S 0046106]
- 256. Continental Airlines ticket receipt and Itinerary [S Er Aubut 00020]
- 257. April 8, 1999 letter from Boucher to Liporace re: Speaking engagement: July 6<sup>th</sup> 1999 [S 0141469]
- 258. Check (front and back) to Ralph Liporace, 5/13/99, \$2,500, with stub [ S 0141466-467]
- 259. E-mail from Tamir to “Rlhivdr” re: Your trip to Israel, July 1999 [S 0046113]
- 260. Immunity Order for Ralph Liporace, M.D. [no bates]
- 261. E-mail from Vaughn to Stewart, Frank, & others 2/02/99 re: Regional Big “Bad” Dog of the Quarter Southeast Summits Q4 1998 [S 0299320]
- 262. Vaughn E-mail to Hudgens 3/03/99 @ 12:30 a.m. re: READ THIS BEFORE YOU GO TO WORK!!!! [S Elec 0657830]
- 263. Vaughn E-mail to Hudgens & Stewart 3/03/99 @ 1:39 a.m.re: March POA [S Elec 0658013]
- 264. Hudgens Call Activity Log for 3/99 [S Elec 0231292-023; 0231970-0231971]
  - a. Bell South Mobility Telephone Records for Ray Hudgens for the period ending 3/6/99 [no bates number]
- 265. Vaughn e-mail to Hudgens & Stewart 4/01/99 re: Nice Work! [S Elec 0521857]
- 266. Check Request for Dr. Liporace to speak at National Sales Meeting dated 3/19/99 [S

0046108]

- 267. Check Request for Dr. Liporace to speak at PWA Coalition of Broward County dated 3/29/99 [S 0141132]
- 268. Appreciation for Exceptional Performance from Mary Stewart dated 04/29/99 (two pages)  
[RH 0055]
- 269. Hudgens Expense Report week ending: 2/26/99 [S ER HUDGE 00148]
- 270. Hudgens Expense Report week ending 3/06/99 [S ER HUDGE 00154-00162]
- 271. Hudgens Expense Report week ending: 3/20/99 [S ER HUDGE 00163-00173]
- 272. Hudgens Expense Report week ending: 3/27/99 [S ER HUDGE 00174-00188]
- 273. Stewart E-mail to Vaughn & Frank 3/25/99 re: Dr. Liporace Patient Testimonial Video  
[S Elec 0694986-987]
- 274. Vaughn E-mail to Stewart, Whitehurst, Hudgens, South team & others 3/26/99 re: South Bi-Weekly ending 3/24 [S Elec 0655379-0655380]
- 275. Immunity Order for John Abel [no bates]
- 276. E-mail from Stewart to Aubut, 4/28/98, re: May Training Class [S Elec 0553574-055380]
- 277. E-mail from Abel to RD, 6/22/98, re: July Training Class [S Elec 0548416]
- 278. E-mail from Abel to Frank and others re: July Training Schedule [S Elec 0548483-8487]
- 279. Chart, "July Training Class" 7/16/98 [S 0051690]
- 280. Basic Training Class Attendees [S 0051668]
- 281. Serono Laboratories, Inc., Hilton Rooming List [S 0051672]
- 282. E-mail from Stewart to Abel, 6/22/98, re: July Training Class [S Elec 0716168]



- 283. E-mail from Abel to RD, 8/27/98 re: September Basic Training [S 0306076-6081]]
- 284. Training Class Attendees [S 0306082]
- 285. Training Class Agenda 9/14-9/18/1998 [S 0052455-2459]
- 286. Part 4 - Advertising and Promotion, 9/17/98 [S 0052436-2453]
- 287. Letter from Abel to Womble, 8/13/98 [S 0052465]
- 288. Letter from Abel to Aromando, 9/4/98 [S 00524702471]
- 289. E-mail from Stupak to Sirockman, 9/23/98 re November Basic Training [S 0052608]
- 290. E-mail from Sirockman to Stupak/Abel, 9/24/98 re: November Basic Training [S Elec 0549663]
- 291. E-mail from Abel to August, 1/4/99, re: January Basic Training [S 0052551-2552]
- 292. Training Class Agenda, January 11-14, 1999 [S 0052545-0052549]
- 293. Professional Education Program and Check Request, 4/11/99 [S 0141501]
- 294. Abel Memorandum to Stewart, 4/30/99, re: Mid-Atlantic Region Biweekly Report - Week Ending April 28, 1999 [S Elec 0656696-6701]
- 295. Letter of Immunity for Jeffrey Aromando [No bates number]
- 296. Business Plan 1999 C.C. Territory - Jeffrey Aromando [S Elec 0695175 - 0695179]
- 297. E-mail from Sirockman dated 2/12/99 Re: "Lion of the Month" [S Elec 0693969 - 0693970]
- 298. E-mail from Sirockman dated 2/12/99 re: Q1 Goals w/ attachments [S Elec 0693961 - 0693962]
- 299. E-mail from Sirockman dated 2/25/99 re: Focus Q 1 [S Elec 0694710]
- 300. E-mail from Sirockman dated 2/26/99 re: Conference Call [S Elec 0694724 - 0694725]

- 301. Email from Sirockman dated 3/3/99 8:53 am re: Daily Goals [S Elec 0709032]
- 302. E-mail from Sirockman 3/9/99 re: January Retail Data [S Elec 0709400]
- 303. Expense report for the time period of March 7 - 13, 1999 [S ER AROMA 00178 - 00204]
- 304. Business cards of Jeffrey Aromando and Marc Sirockman [No bates number]
- 305. E-mail from Vaughn to Stewart, 1/18/99, re: Speakers Training in Miami [S 007991-007992]
- 306. E-mail from Vaughn to Stewart, 2/24/99 Re: Q1 Focus-Smokin' South [S Elec 0694695-0694697]
- 307. E-mail from Vaughn to Lundie, 2/26/99, re: FL Advisory Council [S Elec 0657806]
- 308. E-mail from Vaughn to Green, 2/26/99 re: Q4 Big Dog Plaques [S Elec 0657807]
- 309. E-mail from Vaughn to Stewart, 3/1/99, re: Q1 Update [S elec 0657808-809]
- 310. E-mail from Vaughn to Catala, 3/3/99, re: March POA [S Elec 0658015]
- 311. E-mail from Vaughn to Winslow, 3/3/99 re: March POA [S Elec 0658016]
- 312. E-mail from Vaughn to Richards, 3/3/99 re: March POA [S Elec 0658017]
- 313. E-mail from Vaughn to Hopkins, 3/3/99 re: March POA [S Elec 0658018]
- 314. E-mail from Sawin to Regions Directors and Stewart 03/02/99 re: READ NOW! FOCUS! [S Elec 0694794]
- 315. E-mail from Vaughn to Richards, 3/3/99 re: Daily Sales Report [S Elec 0658021]
- 316. E-mail from Vaughn to Stewart, 3/4/99 re: Synopsis of Plan for 3/4 Conference Call [S Elec 0658024]
- 317. E-mail from Vaughn to Richards, 3/10/99 re: Elbert's Office [S Elec 0658060-062]
- 318. Email from Frank to Stewart 03/10/99 re: Net EDI 3/10/99 [S Elec 0521425]

- 319. E-mail from Stewart to Green, 3/10/99 re: Dr. Liporace/Scolaro [S Elec 0694866]
- 320. E-mail from Stewart to Green, 3/11/99, Re: Note for crystal Lion at NSM [S Elec 0694913]
- 321. E-mail from Vaughn to Richards, 3/15/99 re: [S Elec 0658073]
- 322. E-mail from Stewart to Green, 3/25/99 re: Strategic Planning Meeting [S Elec 0694960-961]
- 323. E-mail from Vaughn to Flowers, 3/25/99, re: [S Elec 0658528-0658529]
- 324. E-mail from Vaughn to Stewart, 3/25/99 re: Sales Flash March 23 [S Elec 0658538]
- 325. E-mail from Vaughn to Stewart, 3/25/99 re: March NSM follow-up [S Elec 0658539-541]
- 326. E-mail from Stewart to Vaughn, 3/25/99, re: Dr. Liporace Patient Testimonial Video [S Elec 0694986-987]
- 327. E-mail from Stewart to Vaughn, 3/26/99, re: March NSM follow-up [S Elec 0694994-997]
- 328. E-mail from Vaughn to Stewart, 3/26/99 re: Q1 Goals/Sales [S Elec 0658547]
- 329. E-mail from Vaughn to Lundie, 5/26/99 re: Speaker list for follow-up [S Elec 0663810-3812]
- 330. South Region Q2 Business Plan, April 4, 1999 [S Elec 0662664]
- 331. American Express statement, closing date: February 22, 1999, Acct. No. 3728-689427-47007 [no bates]
- 332. E-mail from Stewart to Sirockman, 3/25/99, re: Q2 Business Plan [S Elec 0694973-0694974]

- 333. E-mail from Sirockman to Sullivan, 2/12/99 re: Q1 Goals [S Elec 0693965-3966]
- 334. E-mail from Sirockman to Englert 2/12/99 re: Q1 Goals [S Elec 0693959-3960]
- 335. E-mail from Sirockman to King, 2/12/99 re: Q1 Goals [S Elec 0693955-3956]
- 336. E-mail from Sirockman to Raymond, 2/12/99 re: Q1 Goals [S Elec 0693963-3964]
- 337. E-mail from Sirockman to Jennings 2/12/99 re: Q1 Goals [S Elec 0693967-3968]
- 338. E-mail from Stewart to Sirockman 2/12/99 re: Q1 Goals [S Elec 0693973]
- 339. E-mails from Sirockman, cc: Stewart, 2/25/99 re: Unimed/NutriCARE [S Elec 0694708-4709]
- 340. E-mail from Sirockman to Stewart, 2/26/99 re: Monthly -February [S Elec 0694744-4752]
- 341. Memorandum from Sirockman to Stewart, 2/26/99 re: Monthly Report [S Elec 0694753-4758]
- 342. E-mail from Stewart to Sirockman, 3/2/99, Re: Strong Finish GREAT DATA! [S Elec 0694784]
- 343. E-mail from Bruens to Norma Muurahainen, 3/8/99, re: Dr. Torres and Cannes [S Elec 0780312]
- 344. Marc Sirockman's Expense Reports for the period 2/18/99-3/20/99 [S ER SIROC 00123 - 00155]
- 345. Vaughn American Express dated May 23, 1998 (Page 3 of 12) [no bates number]
- 346. Expense Report for Melissa Vaughn period ending 3/13/99 [S Er Vaugh 00116]
- 347. Expense Report for Melissa Vaughn period ending 3/20/99 [S Er Vaugh 001228-00136]
- 348. Expense Report for Melissa Vaughn period ending 3/27/99 [S Er Vaugh 00137-00146]

- 349. Expense Report for John Abel, period ending 3/6/99 [S Er Abel 00298-00301]
- 350. Memorandum for Fatima Burtch to Rick Schwalbert dated March 5, 1999 [no bates]
- 351. Copy of check stub and front and back of \$4,000 check to Daniel Berger, M.D. [no bates]
- 352. Mary Stewart Expense Report, period ending 8/8/98 [S 0626193-6194]
- 353. Mary Stewart expense report period ending 5/16/98 [ S 0626182]
- 354. Mary Stewart expense report, period ending 9/19/98 [S 0626199-0626202]
- 355. American Express Statement, Vaughn, August 23, 1998 [no bates number]
- 356. American Express Statement, Vaughn, September 23, 1998 (pages, 3, 4 and 5 of 10) [no bates number]
- 357. American Express Statement, Vaughn, January 23, 1999 (pages 3 and 4 of 12) [no bates]
- 358. Sirockman Expense Report, period ending 8/1/98 [S Er 009793-9794]